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9 *WSOU Investments, LLC d/b/a*
10 *Brazos Licensing and Development*

11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN JOSE DIVISION**

14 WSOU INVESTMENTS, LLC D/B/A
15 BRAZOS LICENSING AND DEVELOPMENT,

16 Plaintiff,

17 v.

18 JUNIPER NETWORKS, INC.,

19 Defendant.

Case No.: 5:21-cv-07557-BLF
5:21-cv-07558-BLF
5:21-cv-07560-BLF
5:21-cv-07561-BLF
5:21-cv-07562-BLF

20 **BROWN RUDNICK'S NOTICE OF**
21 **MOTION AND MOTION TO**
22 **WITHDRAW AS COUNSEL FOR**
23 **BRAZOS**

24 Date: August 25, 2022
25 Time: 9:00 a.m.
26 Judge: Hon. Beth Labson Freeman

27 San Jose Courthouse
28 Courtroom 3 – 5th Floor
280 South 1st Street
San Jose, California 95113


TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on August 25, 2022, at 9:00 a.m. in Courtroom 3 of the above entitled Court located at 280 South 1st Street, San Jose, California 95113, or on such other date and time as the Court may set for the hearing on this Motion, pursuant to Local Rule 11-5, David M. Stein, Edward J. Naughton, Rebecca M. Lecaroz, Timothy J. Rousseau, and Yarelyn Mena of the law firm Brown Rudnick LLP (collectively, “Brown Rudnick” or “Movants”) respectfully will, and hereby do seek leave of this Court to withdraw as counsel for Plaintiff WSOU Investments, LLC d/b/a Brazos Licensing and Development (“Brazos”) in the above-captioned cases.

Dated: July 18, 2022

Respectfully submitted,

BROWN RUDNICK LLP

By: 
David M. Stein

MOTION TO WITHDRAW AS COUNSEL FOR PLAINTIFF

I. SUMMARY OF ARGUMENT

Pursuant to Local Rule 11-5, David M. Stein, Edward J. Naughton, Rebecca M. Lecaroz, Timothy J. Rousseau, and Yarelyn Mena of the law firm Brown Rudnick LLP (collectively, “Brown Rudnick” or “Movants”) hereby notify the parties and the Court of their intent to withdraw as counsel for Plaintiff WSOU Investments, LLC d/b/a Brazos Licensing and Development (“Brazos”) in the above-captioned cases. Movants state the following grounds for this motion:

1. Movants represent Brazos pursuant to a written engagement agreement between Brown Rudnick LLP and Brazos that imposes certain obligations on Brazos. Brazos has failed to discharge its obligations to Movants for more than a calendar year, despite Movants’ repeated requests to Brazos to comply.

2. Specifically, over the past year, Brown Rudnick has reminded Brazos of its outstanding contractual obligations on numerous occasions. Brown Rudnick discussed the obligations with Brazos during a telephone call in February 2022, during which call Brazos acknowledged its outstanding obligations and promised that they would be performed shortly. Brown Rudnick followed up in writing a few weeks later, and then again in writing at least twice in March 2022. Brazos’ obligations remained unsatisfied, however.

3. Finally, on July 6, 2022, Brown Rudnick provided Brazos with another written reminder that it had not fulfilled its contractual obligations. In that same correspondence, Brown Rudnick advised Brazos that unless Brazos complied with its contractual obligations by July 15, 2022, Movants would seek this Court’s leave to withdraw from the representation. Brazos did not respond and did not fulfill its obligations.

4. This Court can grant this Motion without causing Brazos any prejudice. The cases where Movants represent Brazos are currently stayed by the Court’s

1 January 3, 2022 Order (Case No. 5:21-cv-07557, Dkt 120; Case No. 5:21-cv-07558,
2 Dkt. 115; Case No. 5:21-cv-07560, Dkt. 124; Case No. 5:21-cv-07561, Dkt. 119;
3 Case No. 5:21-cv-07562, Dkt. 122), and are likely to remain stayed until at least
4 November 2022, when the Patent Trial and Appeal Board is expected to issue final
5 written decisions with respect to the last of the pending *inter partes* review
6 proceedings. (Dkt. No. 115, Order Granting Defendant's Motion to Stay at 14).
7 Indeed, as this Court has recognized, it is possible that the stay may extend past
8 November 2022, as the *ex parte* reexamination of one of the patents-in-suit may not
9 be completed by then. *Id.* at 14.

10 5. Brazos is also represented by numerous other counsel, including counsel
11 who are familiar with all but one of the patents-in-suit and who are currently
12 representing Brazos with respect to those patents in the pending *inter partes* review
13 and *ex parte* reexamination proceedings. Brazos is represented in those proceedings
14 by counsel from the Etheridge Law Group, including Brett A. Mangrum, Brian M.
15 Koide, James L. Etheridge, Jeffrey A. Stephens, Jeffrey Huang, and Ryan S.
16 Loveless. Further, counsel from the Etheridge Law Group are representing or have
17 also represented Brazos in connection with numerous other district court patent
18 infringement actions over the past several years, including cases against Huawei,¹
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26 ¹ Case Nos. 6:20-cv-00188, -00189, -00190, -00191, -00192, -00196, -00204, -
27 00205, -00209, -00533, -00534, -00535, -00536, -00537, -00538, -00539, -00540, -
28 00541, -00542, -00543, -00544, -00889, -00890, -00891, -00892, -00893, -00916, -
00917 (W.D. Tex.).

1 ZTE,² Microsoft,³ Dell,⁴ Google,⁵ and Salesforce.com.⁶ In addition, Brazos is
 2 currently represented in another patent infringement case pending in this District —
 3 *WSOU Investments, LLC v. Arista Networks, Inc.*, Case No. 4:21-cv-08679 (N.D.
 4 Cal.) — by counsel from Susman Godfrey LLP, including Bryce T. Barcelo, Kalpana
 5 Srinivasan, Larry Y. Liu, Max L. Tribble, Jr., Raymond Keith Wright, and Shawn
 6 Blackburn and in other patent infringement matters by counsel from Carter Arnett
 7 PLLC; DiNovo Price LLP; and Kasowitz Benson Torres LLP, among others.

8 6. Put simply, Brazos has sufficient time and ability to retain new counsel
 9 in the above-captioned matters during the expected stay.

10 **II. CONCLUSION**

11 There has been a breakdown in the relationship between Movants and Brazos,
 12 and Brazos is not honoring its contractual agreements with Brown Rudnick LLP.
 13 Brazos has not met its obligations for more than a year. In addition, Movants’
 14 withdrawal will not prejudice Brazos as the cases where Movants currently represent
 15 Brazos will be stayed for not less than four months, and Brazos is currently
 16 represented by other counsel who are familiar the subject matter of these lawsuits, as
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18 ² Case Nos. 6:20-cv-00211, -00216, -00224, -00228, -00229, -00231, -00238, -
 19 00240, -00242, -00254, -00255, -00487, -00488, -00489, -00490, -00491, -00492, -
 20 00493, -00494, -00495, -00496, -00497 (W.D. Tex.).

21 ³ Case Nos. 6:20-cv-00331, -00332, -00333, -00334, -00335, -00337, -00340, -
 22 00341, -00342, -00344, -00345, -00346, -00454, -00454, -00455, -00455, -00456, -
 23 00456, -00457, -00458, -00458, -00459, -00459, -00460, -00460, -00461, -00461, -
 24 00462, -00462, -00463, -00463, -00464, -00464, -00465 (W.D. Tex.).

25 ⁴ Case Nos. 6:20-cv-00403, -00404, -00406, -00407, -00408, -00409, -00410, -
 26 00412, -00417, -00418, 6-20-cv-00473, -00474, -00475, -00476, -00477, -00478, -
 27 00479, -00480, -00481, -00482, -00485, -00486 (W.D. Tex.).

28 ⁵ Case Nos. 6:20-cv-00571, -00572, -00573, -00574, -00575, -00576, -00577, -
 00578, -00579, -00580, -00581, -00582, -00583, -00584, -00585 (W.D. Tex.)

⁶ Case Nos. 6:20-cv-01163, -01164, -01165, -01166, -01167, -01168, -01169, -
 01170, -01171, -01172 (W.D. Tex.).

1 that counsel represents Brazos with all but one of the patents-in-suit.


2 Thus, Movants respectfully request that the Court waive oral argument on this
3 Motion, grant it leave to withdraw as counsel in the above-captioned matters, and
4 enter an Order stating that Movants have withdrawn.

5 Pursuant to Local Rule 11-5(b), Movants acknowledge that leave for them to
6 withdraw may be subject to the condition that papers be continued to be served on
7 them for forwarding purposes until Brazos appears by other counsel.

8 Dated: July 18, 2022

Respectfully submitted,

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10 **BROWN RUDNICK LLP**

11 By: 
12 David M. Stein